

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.14029 of 2015(O&M)

Pritpaljit Singh Sangha ...Petitioner

Versus

State of Punjab and ors. ...Respondents

and

CWP No.15009 of 2015(O&M)

Kuljeet Singh Bhogal ... Petitioner

Versus

State of Punjab and ors. ... Respondents

Date of Decision: **July 30, 2015**

**CORAM: HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: - Mr.Veneet Sharma and Mr. Anurag Goyal, Advocates
for the petitioners.

Mr. Gaurav Garg Dhuriwala, DAG, Punjab

Mr. A.M. Punchi, Advocate for respondent No.4.

HARINDER SINGH SIDHU, J.

This judgment shall dispose of two writ petitions, referred to above, whereby, Pritpaljit Singh Sangha and Kuljeet Singh Bhogal, petitioners in CWP No.14029 and 15009 of 2015, respectively, have challenged the communication/ decision of the respondents holding them ineligible for the post of Civil Judge (Junior Division-cum-Judicial Magistrate) 2014-2015 by stating that they are not covered under the

definition of sports person as per Punjab Sports Rules, 1988.

For disposal of the petitions, the facts are being taken from CWP No.14029 of 2015.

Vide notification dated 20.1.2015 (Annexure P-9), 118 posts of Civil Judge (Junior Division-cum-Judicial Magistrate) were advertised by respondent No.3, wherein, three posts were reserved for the category 'Sports person (Punjab)'. The petitioner applied in category of sports person (Punjab). For inclusion in the said category he annexed with the application the Sports Gradation Certificate, counter-signed by The Director (Sports), Punjab (respondent No.5). He appeared for the Preliminary Examination. The Main Examination is scheduled for 7.8.2015. However, vide Annexure P-10, the petitioner was held ineligible on the ground that "*as per the Punjab Sports Rules, 1988, he does not cover under the definition of Sports person.*"

Learned counsel for the petitioner has contended that the word 'sportsman' has been defined in Rule 2(d) of the Punjab Recruitment of Sportsmen Rules, 1988 (hereinafter referred to as '1988 Rules') He states that as per these rules, notification dated 10.12.1997 was issued by the Government of Punjab, according to which the Sports Gradation Certificates are to be issued by the competent authority i.e. respondent No.5. The said certificates have been divided into four Grades i.e., from Grade 'A' to Grade 'D'. The

petitioner is a position holder of All India University Tournament, which is recognized by the National Federation and he has been issued Gradation Certificate as Grade 'B' Sportsman in the game of Rowing. Therefore the rejection of his candidature on the ground that he does not fall in the definition of sports person is not justified. He further states that he was permitted to sit for the Main examination in the year 2013 on the basis of the same Gradation Certificate and hence the denial of the same benefit in the present recruitment process is not justified.

In the written statement filed on behalf of respondent No.4 the claim of the petitioner to be falling in the definition of sportsman as defined in the 1988 Rules has been disputed.

The said Rule 2(d) is reproduced below:

"2.(d) "Sportsman" means a person of either sex who fulfils the following conditions, namely:-

(a) In the case of recruitment to a reserved vacancy in Class I or Class II posts:-

(i) that he belongs to the State of Punjab; and

(ii) that he has won national championship in team or individual events while representing the State of Punjab in such sports events as have been conducted by such respective national federations as are affiliated to the Indian Olympic Association;

Or

(i) that he has won national championship in team or individual events which are organized by the Indian Olympic Association;

Or

(ii) that he has won first, second or third position in team or individual events and/or he has won Gold or Silver or Bronze Medals at International Sports meets, conducted by International Federations affiliated to the International Olympic Committee or

by the International Olympic Committee itself.
xx xx xx xx xx”

It has been asserted that the petitioner does not fall within the definition of sportsman since he has not won any National championship in team or individual events while representing the State of Punjab nor has he won any National championship in team or individual events which may have been organized by the Indian Olympic Association nor he has won first, second or third position in team or individual events or won any Gold or Silver or Bronze Medals at International Sports meets conducted by International Federations affiliated to the International Olympic Committee itself.

It is stated that as per the petitioner himself, his maximum achievement is securing third position in team event in All India Inter-University Championship of Rowing while he was a student of law representing the Punjab University team. It has been stated that this does not entitle him to be classified as a 'sports person' for the purposes of recruitment to Class I or Class II posts of the State of Punjab as per the 1988 Rules.

Further reference has been made to the definition of 'Reserved vacancies' as defined under Rule 2(c) :

2(c) “reserved vacancy” means a vacancy reserved under sub-rule (i) of rule 3, to be filled in by the appointment of a sportsman.”

It has been stated that the reserved vacancies can only be filled in by a 'sportsman' as is defined in Rule 2(d). Since the petitioner does not fall within the definition of sportsman, he cannot

be considered for appointment against the reserved vacancies of sportsman. Disputing the petitioner's claim based on the Sports Gradation Certificate issued by respondent No. 5, it has been stated that the 1988 rules do not make any reference to the issuance of Sports Gradation Certificate. Sports Gradation Certification and the categorization thereof finds mention in the instructions dated 10.12.1997, which instructions are of no consequence insofar as the present recruitment is concerned. It has also been asserted that the Directorate of Sports Punjab, Chandigarh in a communication dated 4.7.2011 to the Secretary, Punjab Public Service Commission had clarified that even a person who may have secured a Gold Medal at All India University Tournament does not fall within the definition of Sportsman under the Rule of 1988 . A copy of this letter has also been annexed.

With regard to the contention of the petitioner based on his appearing for the Preliminary examination, though he had applied in the category of 'sports person', it has been stated that scrutiny of documents and eligibility is done at the stage of conducting the Main written examination. Similarly, with regard to his claim based on his participation in the year 2013 recruitment process, it has been stated that the petitioner was allowed to sit in the main written examination based on the general communication dated 30.7.2013 (Annexure R-4/2), whereby, all candidates were permitted to sit for the Main

examination pending submission of eligibility certificate. As the petitioner did not clear the Main examination therefore, the occasion to consider his candidature in the sports category did not arise.

We have heard Ld. Counsel for the parties and are of the view that there is no merit in the claim of the petitioner.

Admittedly, the petitioner secured the third position in team event in All India Inter-University Championship of Rowing while he was a student of law representing the Punjab University team. For this, he has been issued Gradation Certificate as Grade 'B' Sportsman in the game of Rowing as per the instructions dated 10.12.1997.

This achievement does not fulfil the requirements of the definition of 'Sportsman' as per Rule 2(d). The definition specifies that for recruitment to a reserved vacancy in Class I and Class II, the person should have won National championship in team or individual events while representing the State of Punjab in such sports events as have been conducted by such respective National Federations as are affiliated to the Indian Olympic Association; or should have won national championship in team or individual events which are organized by the Indian Olympic Association; or should have won first, second or third position in team or individual events and/ or won Gold or Silver or Bronze Medals, at International Sports meets, conducted by International Federations affiliated to the International

Olympic Committee or by the International Olympic Committee itself . The achievement of the petitioner does not fall in any of these categories. Hence, he does not fall in the definition of `sportsman' as defined in the 1988 Rules and is consequently not entitled to be considered for recruitment under the sports category.

The gradation certificate issued to the petitioner in terms of the instructions dated 10.12.1997 of the Punjab government is not relevant for the purposes of claiming the benefit of the 1988 Rules. Nor can the fact that petitioner was permitted to appear in the 2013 Main examination be of any help to him in view of the stand in the written statement that the eligibility was to be seen later which eventuality did not arise in the case of the petitioner as he did not qualify the main examination.

Thus, we find no illegality in the action of the respondents in holding the petitioners ineligible on the ground that they are not covered by the definition of sportsman as per the 1988 Rules.

Accordingly, finding no merit in the petitions, the same are dismissed.

(SATISH KUMAR MITTAL) (HARINDER SINGH SIDHU)
JUDGE JUDGE

July 30, 2015
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